

FILED

3/7/2019

Clerk, U.S. District Court  
District of Montana  
Helena Division

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA**

**BILLINGS DIVISION**

EARLINE COLE, CLETUS COLE,  
and PRECIOUS BEARCRANE, a  
minor child,

Plaintiffs,

vs.

FEDERAL BUREAU OF  
INVESTIGATIONS, SALT LAKE  
CITY FIELD OFFICE, FEDERAL  
BUREAU OF INVESTIGATIONS,  
BILLINGS OFFICE, and MATTHEW  
ORAVEC,

Defendants.

No. CV 09-21-BLG-SEH

**ORDER**

On August 29, 2017, this matter was referred to Magistrate Judge Timothy J. Cavan for the purpose of conducting pretrial proceedings under 28 U.S.C. § 636(b)(1)(A). On February 7, 2019, Magistrate Judge Cavan issued Findings and Recommendation as to Defendant Matthew Oravec's Motion to Dismiss.<sup>1</sup>

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<sup>1</sup> Doc. 162.

Objections to the Findings and Recommendation were filed on February 21, 2019, by Plaintiffs.<sup>2</sup>

On February 19, 2019, Plaintiffs filed what was denominated as an “Unopposed Motion to Extend Deadline for Filing Objections” to Magistrate Judge Cavan’s Findings and Recommendation.<sup>3</sup> Objections to the Findings and Recommendation in fact were filed by Plaintiffs on February 21, 2019.<sup>4</sup> Defendants’ response to Plaintiffs’ objections to the Findings and Recommendation were filed on March 6, 2019.<sup>5</sup>

The Court has reviewed the objections as filed, and the arguments advanced in support and in opposition, and has determined upon *de novo* review of the record, that the Findings and Recommendation are fully supported by the record, should not be set aside or vacated, and should be accepted and affirmed.

**ORDERED:**

1. The objections<sup>6</sup> to the Findings and Recommendation of the Magistrate Judge are **OVERRULED**.

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<sup>2</sup> Doc. 193.

<sup>3</sup> Doc. 192.

<sup>4</sup> Doc. 193.

<sup>5</sup> Doc. 199.

<sup>6</sup> Doc. 193.


2. The Court adopts, accepts, and affirms the Findings and Recommendation of the Magistrate Judge.<sup>7</sup>

3. Defendant Matthew Oravec's Motion to Dismiss the Second Claim for Relief (*Bivens*-Violation of Equal Protection) [Against Individual Defendant Oravec] of the Second Amended Complaint<sup>8</sup> is GRANTED.

4. The claim against individual defendant Matthew Oravec in the Second Claim for Relief of the Second Amended Complaint is DISMISSED.

5. Matthew Oravec is DISMISSED as an individual party Defendant to the Second Claim for Relief.

DATED this 7<sup>th</sup> day of March, 2019.

  
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SAM E. HADDON  
United States District Judge

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<sup>7</sup> Doc. 184.

<sup>8</sup> Doc. 162.